

REMARKS

Applicants respectfully request entry of the following amendments and remarks in response to the Office Action mailed March 24, 2008. Applicants respectfully submit that the amendments and remarks contained herein place the instant application in condition for allowance.

Upon entry of the amendments in this response, claims 1 – 22 are pending. In particular, Applicants amend claims 1 – 18 and 20. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Interview Summary

Applicants first wish to express sincere appreciation for the time that Examiners Kim and Etienne spent with Applicants' Attorney, Anthony Bonner, during a telephone discussion on June 18, 2008 regarding the outstanding Office Action. During that conversation, the Examiners and Mr. Bonner discussed potential amendments with regard to claim 1, in view of *Sumner*. Thus, Applicants respectfully request that Examiners Kim and Etienne carefully consider this response and the amendments.

II. Rejections Under 35 U.S.C. §112

The Office Action indicates that claims 2 and 20 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants amend claims 2 and 20, as indicated above. More specifically, while Applicants disagree that claim 20 was lacking essential elements; Applicants amend this claim to advance prosecution of the present application. Applicants submit that these amendments comply with all the requirements of 35 U.S.C. §112.

III. **Rejections Under 35 U.S.C. §102**

A. **Claim 1 is Allowable Over *Sumner***

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent Publication Number 2002/00601003 ("*Sumner*"). Applicants respectfully traverse this rejection on the grounds that *Sumner* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 1 recites:

A communication method comprising:
providing a user profile having a collection of properties related to a user email folder, the user profile further having a collection of properties related to a user instant messaging (IM) account;

defining properties of the user email folder using the user profile;

defining properties of the user IM account using the user profile; and

providing at least one interface for displaying the user profile, including the defined properties of the user email folder and the defined properties of the user IM account,

wherein the interface is further configured to provide at least one group email message corresponding to at least one group email folder, the group email folder configured such that members of a group associated with the group email folder have access to the group email message,

wherein the interface is further configured to provide an option to provide at least one user-specific email, the user-specific email being different than the group email message, and

wherein the group email message includes an access indicator for each member of the group, the access indicator configured to indicate which members of the group have accessed the group email message.

(Emphasis added).

Applicants respectfully submit that claim 1, as amended, is allowable over the cited art for at least the reason that *Sumner* fails to disclose, teach, or suggest a "communication method comprising... ***defining properties of the user email folder using the user profile...*** [and] ***defining properties of the user IM account using the user profile***" as recited in claim 1, as amended. More specifically, *Sumner* discloses "[t]he subscriber's messaging address can be associated with the wireless messaging engine 320 so that it serves as the subscriber's primary message store. The message store can be accessed from the subscriber's wireless subscriber

unit... or through the Internet" (page 4, line 1). As illustrated in this passage, even if *Sumner* discloses "facilitat[ing] the communication of different messaging services" as suggested by the Office Action (page 3, paragraph 6), nowhere does *Sumner* even suggest "**defining properties of the user email folder using the user profile... [and] defining properties of the user IM account using the user profile**" as recited in claim 1, as amended. For at least this reason, claim 1, as amended, is allowable.

B. Claim 3 is Allowable Over *Sumner*

The Office Action indicates that claim 3 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent Publication Number 2002/00601003 ("*Sumner*"). Applicants respectfully traverse this rejection on the grounds that *Sumner* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 3 recites:

A communication method comprising:
assigning a user profile to a user;
associating a user email folder with the user profile;
associating a user instant messaging (IM) account
with the user profile; and
providing at least one interface for displaying the user profile, including the defined properties of the user email folder and the defined properties of the user IM account,
wherein the interface is further configured to provide at least one group email message corresponding to at least one group email folder, the group email folder configured such that members of a group associated with the group email folder have access to the group email message,
wherein the interface is further configured to provide an option to provide at least one user-specific email, the user-specific email being different than the group email message, and
wherein the group email message includes an access indicator for each member of the group, the access indicator configured to indicate which members of the group have accessed the group email message.

(Emphasis added).

Applicants respectfully submit that claim 3, as amended, is allowable over the cited art for at least the reason that *Sumner* fails to disclose, teach, or suggest a "communication method comprising... **associating a user email folder with the user profile... [and] associating a**

user instant messaging (IM) account with the user profile" as recited in claim 3, as amended. More specifically, *Sumner* discloses "[t]he subscriber's messaging address can be associated with the wireless messaging engine 320 so that it serves as the subscriber's primary message store. The message store can be accessed from the subscriber's wireless subscriber unit... or through the Internet" (page 4, line 1). As illustrated in this passage, even if *Sumner* discloses "facilitat[ing] the communication of different messaging services" as suggested by the Office Action (page 3, paragraph 6), nowhere does *Sumner* even suggest "**associating a user email folder with the user profile... [and] associating a user instant messaging (IM) account with the user profile**" as recited in claim 3, as amended. For at least this reason, claim 3, as amended, is allowable.

C. Claim 18 is Allowable Over Sumner

The Office Action indicates that claim 18 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent Publication Number 2002/00601003 ("*Sumner*"). Applicants respectfully traverse this rejection on the grounds that *Sumner* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 18 recites:

A communication system comprising:
a user profile;
a user email folder associated with the user profile;
a user instant messaging (IM) account associated with the user profile; and
an interface for displaying the user profile, including the defined properties of the user email folder and the defined properties of the user IM account,
wherein the interface is further configured to provide at least one group email message corresponding to at least one group email folder, the group email folder configured such that members of a group associated with the group email folder have access to the group email message,
wherein the interface is further configured to provide an option to provide at least one user-specific email, the user-specific email being different than the group email message, and
wherein the group email message includes an access indicator for each member of the group, the access indicator

configured to indicate which members of the group have accessed the group email message.
(***Emphasis added***).

Applicants respectfully submit that claim 18, as amended, is allowable over the cited art for at least the reason that *Sumner* fails to disclose, teach, or suggest a “communication system comprising... ***a user email folder associated with the user profile... [and] a user instant messaging (IM) account associated with the user profile***” as recited in claim 18, as amended. More specifically, *Sumner* discloses “[t]he subscriber’s messaging address can be associated with the wireless messaging engine 320 so that it serves as the subscriber’s primary message store. The message store can be accessed from the subscriber’s wireless subscriber unit... or through the Internet” (page 4, line 1). As illustrated in this passage, even if *Sumner* discloses “facilitat[ing] the communication of different messaging services” as suggested by the Office Action (page 3, paragraph 6), nowhere does *Sumner* even suggest “***a user email folder associated with the user profile... [and] a user instant messaging (IM) account associated with the user profile***” as recited in claim 18, as amended. For at least this reason, claim 18, as amended, is allowable.

D. Claims 2, 4 – 10, 13 – 16, 19, and 21 are Allowable Over *Sumner*

The Office Action indicates that claims 2, 4 – 10, 13 – 16, 19, and 21 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent Publication Number 2002/00601003 (“*Sumner*”). Applicants respectfully traverse this rejection on the grounds that *Sumner* does not disclose, teach, or suggest all of the claimed elements. More specifically, dependent claim 2 is believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 1. Dependent claims 4 – 10 and 13 – 16 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 3. Dependent claims 19 and 21 are believed to be allowable for at least the reason that these claims depend from and include the

elements of allowable independent claim 18. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

IV. Rejections Under 35 U.S.C. §103 – Claims 11, 12, 17, 20, and 22 are Allowable Over *Sumner* in view of *Chen*

The Office Action indicates that claim 11, 12, 17, 20, and 22 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2002/00601003 ("*Sumner*") in view of U.S. Patent Publication Number 2002/0049751 ("*Chen*"). Applicants respectfully traverse this rejection for at least the reason that *Sumner* in view of *Chen* fails to disclose, teach, or suggest all of the elements of claims 11, 12, 17, 20, and 22. More specifically, dependent claims 11, 12, and 17 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 3. Further, dependent claims 20 and 22 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 18. Because *Chen* fails to overcome the deficiencies of *Sumner*, claims 11, 12, 17, 20, and 22 are allowable as a matter of law. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

V. Allegedly Inherent Subject Matter

In addition, the Office Action asserts that various portions of claims 5, 8 – 9, 14, 20, and 22 are inherent. Applicants respectfully traverse these findings of inherency. It is well established that "[t]o establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a

given set of circumstances is not sufficient." *In Re Anthony J. Robertson*, 169 F.3d 743, 745, 49 U.S.P.Q.2D (BNA) 1949, 1950-51 (Fed. Cir. 1999).

Applicants respectfully submit that the Office Action fails to adequately establish that the subject matter of claims 5, 8 – 9, 14, 20, and 22 is necessarily present. As the Office Action fails to provide any extrinsic evidence that makes clear that the missing descriptive matter is necessarily present, Applicants respectfully submit that inherency has not been established. In accordance with *In re Robertson*, Applicants traverse the inherency finding, and submit that claims 5, 8 – 9, 14, 20, and 22 are allowable over the cited art.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, all objections and/or rejections have been traversed, rendered moot, and/or addressed, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

/afb/

Anthony F. Bonner Jr. Reg. No. 55,012

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**
Suite 1500
600 Galleria Parkway SE
Atlanta, Georgia 30339
(770) 933-9500
Customer No.: **38823**